

# **EXHIBIT 3**

**For Federal civil complaint**

**-- MOTION UNDER RULE 45 ASKING THE  
CLERK TO SUBPOENA ATTORNEY JOHN  
SCOTT COALTER FOR DISCOVERY AND TO  
PROVE THE FACTUAL MATTER UNDER  
COMPLAINT --**

**Brian David Hill v. Executive Office  
for United States Attorneys (EOUSA),  
United States Department of Justice  
(U.S. DOJ)**

**Civil Case Number 4:17-cv-00027**



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# WINSTON-SALEM JOURNAL

Sunday, July 28th, 2013

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## Judge dismisses lawsuit alleging SBI misconduct in Clemmons dentist case

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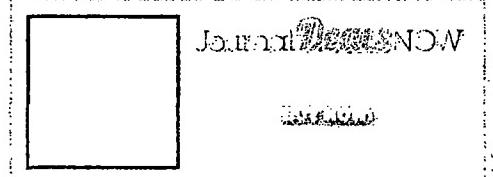
Posted Friday April 12 2013 12:16 pm ; Updated 11:54 pm Fri Apr 12 2013

Michael Hewlett/Winston-Salem Journal

A Forsyth County judge dismissed a lawsuit that was filed by a Clemmons dentist alleging that two agents with the State Bureau of Investigation framed him for killing his wife by manipulating blood evidence and lying during his murder trial, according to a written order filed in the case Thursday.

The dentist, Dr. Kirk Alan Turner, was acquitted in 2009 of first-degree murder in the death of his estranged wife, Jennifer Turner, on Sept. 12, 2007. Jennifer Turner was slashed twice in the throat and her body was found in the shop building at the house the couple once shared in Davie County.

Kirk Turner maintained that he killed his wife in self-defense after she attacked him with a large spear. Prosecutors said Kirk Turner staged the crime scene to make it look like he was attacked.



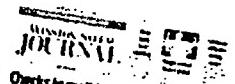
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Turner's month-long trial was high-profile and the case was featured on CBS's "48 Hours Mystery"

Judge Stuart Albright of Forsyth Superior Court issued the ruling after a two-hour hearing on motions to dismiss the lawsuit Monday. According to his written order, Albright dismissed the lawsuit because Turner failed to state a claim for which he was eligible for relief and that the court lacked jurisdiction to hear the case. Albright dismissed the lawsuit with prejudice, meaning that Turner is prohibited from filing the lawsuit again in Forsyth Superior Court.

His attorney, John Vermitsky, said Friday that he plans to appeal Albright's decision to the N.C. Court of Appeals. Turner also has filed a complaint making similar allegations against the SBI with the N.C. Industrial Commission. Motions to dismiss that complaint were denied, Vermitsky said in court this week, and the case is pending.

"We were disappointed in the ruling but appreciate the consideration of the court," Vermitsky said in an email message Friday. He declined to comment further. Kirk Turner, who attended the hearing Monday, could not be reached for comment.

Jennifer Canada, a spokeswoman for the SBI, did not return a message seeking comment Friday.

In the lawsuit, Turner alleged that SBI Special Agent Gerald Thomas and former SBI Special Agent Duane Deaver repeatedly videotaped themselves doing forensic tests to prove that a large bloodstain on Turner's shirt was the result of him wiping a pocketknife on it, bolstering the prosecution theory that Turner intentionally killed his wife. Thomas was also accused of altering a report of the blood evidence to match the prosecution theory. The SBI concluded that Thomas violated SBI policy in changing the report. Thomas still works for the SBI.

Deaver, however, was fired in 2011 after his work in several cases came under fire. Former FBI assistant director Chris Swecker released a critical audit of the SBI crime lab in 2010. N.C. Attorney General Roy Cooper requested the audit after Greg Taylor, who had been convicted of killing a woman in Raleigh in 1991, was exonerated by the N.C. Innocence Commission. Deaver was accused of misrepresenting blood evidence in Taylor's case.

Also named in the lawsuit were former SBI director Robin Pendergraft and two unidentified SBI supervisors of Deaver and Thomas. Attorneys with the N.C. Attorney General's Office represented the defendants in the case.

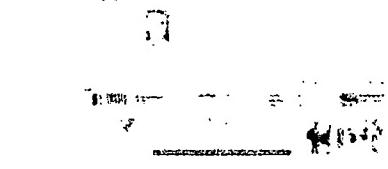
They argued Monday during the hearing that the defendants' actions did not directly lead to Turner's arrest and eventual prosecution. They were simply assisting local prosecutors and law enforcement in the investigation.

Angel Gray, who represents Thomas, said in court that Thomas changed his report after consulting with prosecutors and detectives with the Davie County Sheriff's Office. But Vermitsky said that Thomas did not change the date when he changed his report and failed to fill out a form stating why he changed the report.

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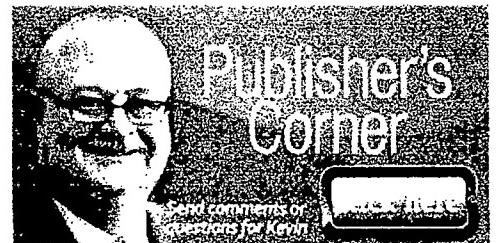
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